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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DIANA RIOS,)
)
Defendant.)

No. CR 09-00615 JW

STIPULATION AND [PROPOSED]
ORDER CONTINUING DATE FOR
STATUS CONFERENCE AND
EXCLUDING TIME

Date: September 14, 2009
Time: 1:30 p.m.

Before The Honorable James Ware

The parties to this case hereby agree and stipulate as follows:

WHEREAS,

1. The parties are scheduled for their first appearance before the district court at the above date and time, and are still in the process of exchanging and reviewing discovery, as well as discussing whether it might be possible to reach an early resolution of the case;

2. Both the defendant and her counsel live in New York, and it is therefore inconvenient to them to travel to California for a status hearing at which the parties would simply be requesting a continuance for further status;

3. Defense counsel has requested that the matter be put over to October 19, 2009, in

1 order to accommodate both his schedule and the need for effective defense preparation; and

2 4. The parties therefore agree that the time occasioned by this continuance is
3 excludible pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(i) and (iv).

4 IT IS THEREFORE STIPULATED AS FOLLOWS:

5 The case should be continued for a further status and setting conference to occur on
6 **Monday, October 19, 2009, at 1:30 p.m.**, before The Honorable James Ware, United States
7 District Judge. Time between September 14 and October 19, 2009 should be excluded from the
8 Speedy Trial clock for the reasons set forth above.

9 / s /

10 ARNOLD KEITH, ESQ.
11 Counsel for Defendant
12 DATE: September 11, 2009

13 JOSEPH P. RUSSONIELLO
14 United States Attorney

15 / s /

16 DAVID R. CALLAWAY
17 Counsel for Plaintiff
18 DATE: September 11, 2009

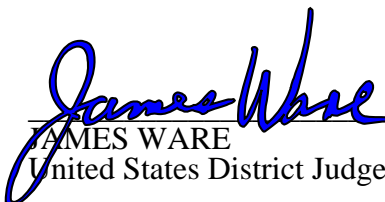
19 **ORDER**

20 Based upon the foregoing Stipulation and good cause appearing therefor,

21 IT IS HEREBY ORDERED that this matter is continued for further status and setting
22 conference to occur on **Monday, October 19, 2009, at 1:30 p.m.**

23 IT IS FURTHER ORDERED that the time between September 14 and October 19, 2009,
24 shall be excluded from the computation the period within which the trial must commence, for the
25 reasons and based upon the statutory provisions set forth by the parties in the Stipulation. The
26 Court finds that the ends of justice outweigh the interests of the public and the parties in a
27 speedier trial based upon the grounds set forth above.

28 DATED: September 11, 2009


JAMES WARE
United States District Judge